

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

NAPOLEON J. RANKIN BEY,)
Petitioner,)
v.) 1:21CV45
STATE OF NORTH CAROLINA,)
Respondent.)

ORDER

On November 2, 2021, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections (Doc. 9) within the time limit prescribed by § 636.

The court has reviewed Petitioner's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 6), which is affirmed and adopted.

Petitioner also filed an Application to Proceed *In Forma Pauperis* (Doc. 8), but that filing does not address the issue set out in the Recommendation. To the extent that Petitioner is seeking to file an action different from one under 28 U.S.C. § 2254, he should do so on the proper forms.

IT IS THEREFORE ORDERED that the Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 is dismissed for failure to

obtain an order from the United States Court of Appeals for the Fourth Circuit authorizing this district court to consider the current Petition as is required by 28 U.S.C. § 2244, and that, there being neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder
United States District Judge

January 10, 2022